

REMARKS

This application contains Claims 14 to 16, 19 to 24 and 27 to 32.

The Examiner has in the Office action of April 22, 2003, made of record new grounds of rejecting Claims 14 to 24 and 27 to 32. The new rejections of these claims include:

1. 35 USC 112. The specification does not enable a person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the invention commensurate in scope with the claims. *Office action 4/22/2003, page 2, ¶ 5.*

2. 35 USC 112. Claims contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the art in the relevant art that the inventor, at the time the application was filed, had possession of the claimed invention. *Office action 4/22/2003, page 5, ¶ 6.*

3. 35 USC 112. Claims contain new matter. *Office action 4/22/2003, page 6, ¶ 7.* These rejections are based on the claim language "binding increased by the IgM and IgA immunoglobins to inhibit adherence of the protein-wasting immunogens in the intestinal tracts of animals thereby promoting the growth of the animals."

Claims 14, 15, 16, 27, 29 and 31 have been amended to delete ", said binding being increased by IgM and IgA immunoglobins". These amendments overcome the Examiner's 35 USC 112 rejection of Claims 14 to 24 and 27 to 32 as set out in pages 2 to 6 of the Office action of April 22, 2003. The amended claims define Applicants' method of promoting the growth of food animals which includes supplying the resulting dried entire contents of the harvested eggs and animal feed or water to food animals whereby the IgY immunoglobulins bind to the protein-wasting immunogens to inhibit adherence of the protein-wasting immunogens in the intestinal tracts of the animals.

The amended claims are supported by the specification. The control of growth of this

organism in the animal boosts feed efficiency and promotes growth of the animal. *Specification, page 7, lines 3 to 17.* The target protein wasting immunogen is from a class consisting of *P.anaerobius, C.sticklandii* and *C.aminophilium*. These immunogens are described in Examples 7, 8 and 9 on pages 17 and 18 of the specification. Examples 17, 18 and 19 relate to these immunogens. *Specification, pages 23 and 24.* Organisms that colonize in the rumen and digestive tract of a host animal must possess the capability of sticking or adhering to the rumen or intestinal tract surface in order to multiply and grow. *Specification, page 9, lines 15, 16.* The organism inhibitor of the invention interferes with adherence in a highly specific manner and on a cumulative basis prevent the targeted organism from multiplying, growing and colonizing. *Specification, page 9, lines 20-22.* Immunized hens layer unique IgY type immunoglobulins in the yolk of the egg and deposit IgM and IgA immunoglobulins in the albumin. *Specification, page 10, lines 21-23.* The albumin containing the IgM and IgA immunoglobulins helps resistance to the whole egg preparations and helps protect the avian antibodies. *Specification, page 11, line 1.* The organism inhibitor is the colonizing microorganism adhesion inhibitor that is an avian antibody, IgY immunoglobulins, which can very tightly bind to, coat, cover and obliterate adherins which attach themselves to their hosts. *Specification, page 10, lines 8-10.*

Claims 17 and 18 have been canceled. The subject matter of these claims is present in Claims 19 to 24.

The present application is the parent application of the following pending U.S. divisional patent applications:

U.S. Application Serial No. 10/025,567 (Patent Application Publication No. US 2002/0136727)
Filed: December 26, 2001

U.S. Application Serial No. 10/038,260 (Patent Application Publication No US 2002/0098181)
Filed: January 7, 2002

U.S. Application Serial No. 10/039,977 (Patent Application Publication No. US 2002/016397)
Filed: January 8, 2003

Enclosed are PTO Form 1449 and patents and publications noted in these applications. The publications were made of record by the Examiner in these applications. Applicants request that the Examiner consider these publications in this application as they were considered by the same Examiner in the U.S. divisional applications directed to the subject matter disclosed in this application. U.S. Patent No. 6,217,865 was made of record in U.S. Patent Application Serial No. 10/039,977.

U.S. Patent Nos. 5,919,451 (*Cook et al*) and 6,083,500 (*Wooley et al*) are the only documents cited in Applicants' pending PCT Application No. US 01/49588. These patents are of record in this application.

The remaining final rejections are as follows:

1. Claims 14 to 16 are rejected under 35 USC 103(a) as being unpatentable over U.S. Patent No. 5,080,895 in view of *Krause et al*, U.S. Patent No. 5,585,098 and U.S. Patent No. 5,741,489. *Office action* 4/22/2003, pages 7-10, ¶ 10.

2. Claims 17 to 24 and 27 to 32 are rejected under 35 USC 103(a) as being unpatentable over U.S. Patent No. 5,080,895 in view of *Krause et al*, U.S. Patent No. 5,585,098, U.S. Patent 5,741,489 further in view of U.S. Patent No. 6,086,878 and U.S. Patent No. 4,166,867. *Office action* 4/22/2003, pages 10-13, ¶ 11.

Applicants request that this amendment be entered and that the appeal proceed with the 35 USC 103(a) rejection of the claims. The amendment reduces the issues for appeal and does not present new issues in this application. The amendment is responsive to the new grounds of rejection of the claims on 35 USC 112.

Respectfully submitted,

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

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Date of Signature